



## EXECUTIVE DEPARTMENT

### EXECUTIVE ORDER NO. KBB 2005 - 56

#### *EMERGENCY FILING PROCEDURES FOR UCC AND NOTARY BONDS*

- WHEREAS,** pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency was declared through Proclamation No. 48 KBB 2005, as amended by 54 KBB 2005, and Proclamation No. 53 KBB 2005;
- WHEREAS,** Hurricane Katrina struck the southeastern part of the state of Louisiana and Hurricane Rita struck the southwestern part of the state causing severe flooding and damage which has threatened the safety, health, and security of the citizens of the state of Louisiana, along with private property and public facilities;
- WHEREAS,** the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the governor of the state of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake or other natural or man-made causes, to ensure that preparations of this state will be adequate to deal with such emergencies or disasters, and to preserve the lives and property of the citizens of Louisiana;
- WHEREAS,** R.S. 29:724(D)(1) authorizes the governor to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;
- WHEREAS,** the filing office for Uniform Commercial Code (UCC) filings is the Clerk of Court's office, except in Orleans Parish where it is the Recorder of Mortgages office;
- WHEREAS,** the filing of UCC-3 and UCC-3F and subsequent filings are required by law to be filed in the same Clerk of Court's office (or Recorder of Mortgages office in Orleans Parish) as the original financing statement;
- WHEREAS,** Hurricane Katrina and its aftermath, and Hurricane Rita rendered several Clerk of Court offices and the Orleans Parish Recorder of Mortgages office inoperable and/or not fit for occupancy, rendering strict compliance with the law impossible;
- WHEREAS,** R.S. 1:55 provides dates in which the courts are closed due to an emergency situation are considered to be legal holidays;
- WHEREAS,** certain commerce can continue if filings are permitted to take place with alternate sites;
- WHEREAS,** R.S. 35:191, requires a notary public to be commissioned and bonded in his or her parish of residence and R.S. 35:202 requires that such notary file annual reports with the Secretary of State office on or before the anniversary date of his or her commission;
- WHEREAS,** Hurricane Katrina and its aftermath, and Hurricane Rita has resulted in several parishes of southeast and southwest Louisiana being subject to mandatory or voluntary evacuations and thousands of residents thereafter securing temporary residency outside of their original parish;
- WHEREAS,** the Secretary of State has requested that the governor suspend the requirement that certain UCC filings be filed in the same parish as the original financing statement and that such notary, with temporary residence outside of their original parish, not be required to file additional bonds nor be assessed penalties for late annual report filings.

**NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO**, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

- SECTION 1:** Until October 25, 2005, or the appropriate Clerk of Court’s office becomes operational, all future UCC filings and subsequent UCC filings required to be filed in the parishes of Jefferson, Plaquemines, St. Bernard, St. Tammany, and Washington and in the Recorder of Mortgages in Orleans Parish, may be filed in any operational Clerk of Court office within the state of Louisiana.
- SECTION 2:** The residents of the parishes of Jefferson, Plaquemines, Orleans, St. Bernard, St. Tammany, and Washington who hold a commission of notary in those parishes may exercise the functions of a notary public within the parish of their temporary residence without additional bonding requirements provided such notary registers his or her temporary address with the Secretary of State’s office.
- SECTION 3:** Enforcement of annual report late penalties as provided in R.S. 35:202(B) shall be suspended against any resident of the parishes of Jefferson, Orleans, Plaquemines, St. Bernard, St. Tammy, and Washington during the time period of Friday, August 26, 2005, and October 25, 2005.
- SECTION 4:** Also until October 25, 2005, or the appropriate Clerk of Court’s office becomes operational, all future UCC filings and subsequent UCC filings required to be filed in the parishes of Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, and Vermilion may be filed in any operational Clerk of Court office within the state of Louisiana.
- SECTION 5:** The residents of the parishes of Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, and Vermilion who hold a commission of notary in those parishes may exercise the functions of a notary public within the parish of their temporary residence without additional bonding requirements provided such notary registers his or her temporary address with the Secretary of State’s office.
- SECTION 6:** Enforcement of annual report late penalties as provided in R.S. 35:202(B) shall be suspended against any resident of the parishes of Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, and Vermilion during the time period of Tuesday, September 20, 2005, and October 25, 2005.
- SECTION 7:** Sections 1, 2 and 3 of this Order shall be applicable from the Monday, August 29, 2005, and Sections 4, 5 and 6 of this Order shall be applicable from Tuesday, September 20, 2005;
- SECTION 8:** Executive Order No. KBB 2005-30, issued on September 7, 2005, as amended by Executive Order No. KBB 2005-42, issued on September 22, 2005 are hereby terminated and rescinded.
- SECTION 9:** This Order is effective upon signature and shall continue in effect until Tuesday, October 25, 2005, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.



**IN WITNESS WHEREOF**, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 6thday of October, 2005.

/S/ Kathleen Babineaux Blanco  
**GOVERNOR OF LOUISIANA**

**ATTEST BY  
THE GOVERNOR**

/S/ Al Ater  
**SECRETARY OF STATE**